

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF
07 CV 2889 (AKH)

ROYAL & SUN ALLIANCE INSURANCE,
PLC,

Plaintiff,

-vs-

OCEAN WORLD LINES,

Defendant & Third Party Plaintiff,

vs.

YANGMING MARINE TRANSPORT CORP.
and DJURIC TRUCKING, INC.,

Third Party Defendants.

THIRD PARTY DEFENDANT, DJURIC'S
DECLARATION IN SUPPORT OF ITS
MOTION TO:

1. DISMISS THE CLAIMS AGAINST
IT ON GROUNDS OF A
MANDATORY AND EXCLUSIVE
FOREIGN FORUM SELECTION
CLAUSE, OR
2. DISMISS THE CLAIMS AGAINST
IT ON GROUNDS OF A
COVENANT NOT TO SUE, OR
3. LIMIT ITS LIABILITY, IF
ANY, TO \$500 PER PACKAGE

RICHARD CRIBARI declares that the following statement is true under the penalties of
perjury:

1. I am the General Manager of third party defendant, DJURIC TRUCKING, INC.
(hereafter, "DJURIC"). I am fully familiar with the facts and circumstances of this matter and I
make this declaration on personal knowledge in support of its motion to dismiss the claims and
third party claims against it on grounds of a forum selection agreement and a covenant not to sue,
or alternatively to limit its liability to \$500 per package.

2. I am advised by counsel that the shipment at issue in this action is a containerized
Heidelberg printing press which moved from Bremerhaven to Norfolk, VA to Bourbon, IN in
June and July of 2006 pursuant to third party codefendant YANGMING MARINE
TRANSPORT CORP.'s sea waybill no. YMLUT670037050 dated Hamburg, 16/06/2006.

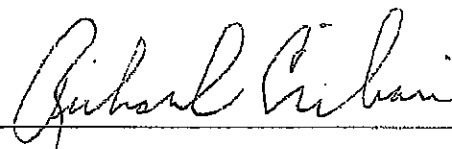
3. DJURIC carried the shipment by truck from Chicago on the last leg of its journey to Bourbon.

4. DJURIC's records show that it did not issue its own separate bill of lading for its part of the inland carriage.

5. YMTC was DJURIC's shipper for the carriage of the subject shipment from Chicago to Bourbon.

6. The freight rates charged by DJURIC to YMTC for the shipment were pursuant to a rate schedule agreed to between DJURIC and YMTC – a copy of which was provided to YMTC. A true copy of that rate schedule is attached as EXHIBIT KK.

Dated: Hammond, IN, December 20, 2007



RICHARD CRIBARI